

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Patrick Berry, Henrietta Brown, Nadine Little, Dennis Barrow, Virginia Roy, Joel Westvig, Daniel Huiting, *on behalf of themselves and a class of similarly-situated individuals*; and ZACAH,

Case No. 20-CV-02189-WMW-JFD

District Judge Wilhelmina M. Wright
Magistrate Judge John F. Docherty

Plaintiffs,

vs.

Hennepin County; Hennepin County Sheriff Dawanna Witt, *in her official capacity*; City of Minneapolis; Minneapolis Mayor Jacob Frey, *in his individual and official capacity*; current Minneapolis Chief of Police Brian O'Hara, *in his official capacity*; former Minneapolis Chief of Police Medaria Arradondo, *in his individual capacity*; Minneapolis Park and Recreation Board; Police Officers John Does; and Police Officer Jane Does,

**DECLARATION OF KELLY K.
PIERCE IN SUPPORT OF HENNEPIN
COUNTY DEFENDANTS'
MEMORANDUM IN OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Defendants.

I, Kelly K. Pierce, make this declaration pursuant to 28 U.S.C. § 1746.

1. I am an Assistant Hennepin County Attorney and one of the attorneys representing Defendants Hennepin County and Hennepin County Sheriff Dawanna Witt (the "Hennepin County Defendants" or "County Defendants") in the above-captioned matter. I make this declaration of my personal knowledge in that capacity.

2. Attached as Exhibit 100 is a true and correct copy of the transcript of the deposition of Plaintiff Dennis Barrow.

3. Attached as Exhibit 101 is a true and correct copy of the transcript of the deposition of Plaintiff Nadine Little.

4. Attached as Exhibit 102 is a true and correct copy of Defendant Hennepin County's Responses to Plaintiffs' Request for Admissions.

5. Attached as Exhibit 103 is a true and correct copy of the transcript of the deposition of David Hewitt.

6. Attached as Exhibit 104 is a true and correct copy of the transcript of the deposition of Donald Ryan.

7. Attached as Exhibit 105 is a true and correct copy of the transcript of the deposition of Hennepin County's Rule 30(b)(6) designee, David Hewitt.

8. Attached as Exhibit 106 is a true and correct copy of the transcript of the deposition of Jessica Galatz.

9. Attached as Exhibit 107 is a true and correct copy of Hennepin County's Response to Plaintiffs' Second Set of Interrogatories.

10. Attached as Exhibit 108 is a true and correct copy of a document produced in this litigation as Bates Number HC00012255.

11. Attached as Exhibit 109 is a true and correct copy of a document produced in this litigation as Bates Number HC00012279.

12. Attached as Exhibit 110 is a true and correct copy of a document produced in this litigation as Bates Number HC00001564.

13. Attached as Exhibit 111 is a true and correct copy of a document produced in this litigation as Bates Number HC00001540.

14. Attached as Exhibit 112 is a true and correct copy of a document produced in this litigation as Bates Number HC00034718.

15. Attached as Exhibit 113 is a true and correct copy of Hennepin County's Supplemental and Amended Response to Plaintiffs' Second Set of Interrogatories.

16. Attached as Exhibit 114 is a true and correct copy of a document produced in this litigation as Bates Number HC00019694.

17. Attached as Exhibit 115 is a true and correct copy of a document produced in this litigation as Bates Number HC00019695.

18. Attached as Exhibits 116-118 are true and correct copies of documents produced in this litigation as Bates Numbers HC00001090, HC00001098, and HC00001119.

19. Attached as Exhibit 119 is a true and correct copy of the transcript of the deposition of Jason Trupe.

20. Attached as Exhibit 120 is a true and correct copy of the transcript of the deposition of Virginia Roy.

21. Attached as Exhibit 121 is a true and correct copy of the transcript of the deposition of Joel Westvig.

22. Attached as Exhibit 122 is a true and correct copy of MPRB Answers to Plaintiffs' First Set of Interrogatories.

23. Attached as Exhibit 123 is a true and correct copy of the transcript of the deposition of Lt. Calvin Noble.

24. Attached as Exhibit 124 is a true and correct copy of the transcript of the deposition of the Minneapolis Park & Recreation Board's Rule 30(b)(6) designee, Alfred Bangoura.

25. Attached as Exhibit 125 is a true and correct copy of a document produced in this litigation as Bates Number MPRB0010055.

26. Attached as Exhibit 126 is a true and correct copy of a document produced in this litigation as Bates Number MPLS_BERRY002518.

27. Attached as Exhibit 127 is a true and correct copy of a document produced in this litigation as Bates Number MPLS_BERRY002541.

28. Attached as Exhibit 128 is a true and correct copy of the transcript of the deposition of Andrea Brennan.

29. Attached as Exhibit 129 is a true and correct copy of the transcript of the deposition of Commander Grant Snyder.

30. Attached as Exhibit 130 is a true and correct copy of a document produced in this litigation as Bates Number MPLS_BERRY131495.

31. Attached as Exhibit 131 is a true and correct copy of Plaintiff Dennis Barrow's Responses to County Defendants' First Set of Interrogatories.

32. Attached as Exhibit 132 is a true and correct copy of the transcript of the deposition of Plaintiff Patrick Berry.

33. Attached as Exhibit 133 is a true and correct copy of a document produced in this litigation as Bates Number BERRY0000050.

34. Attached as Exhibit 134 is a true and correct copy of the transcript of the deposition of Plaintiff Henrietta Brown.

35. Attached as Exhibit 135 is a true and correct copy of Plaintiff Henrietta Brown's Responses to County Defendants' First Set of Interrogatories.

36. Attached as Exhibit 136 is a true and correct copy of Plaintiff Nadine Little's Responses to County Defendants' First Set of Interrogatories.

37. Attached as Exhibit 137 is a true and correct copy of a document produced in this litigation as Bates Number LITTLE0000114.

38. Attached as Exhibit 138 is a true and correct copy of Plaintiff Virginia Roy's Responses to County Defendants' First Set of Interrogatories.

39. Attached as Exhibit 139 is a true and correct copy of a document produced in this litigation as Bates Number ROY0000001.

40. Attached as Exhibit 140 is a true and correct copy of a document produced in this litigation as Bates Number WESTVIG0000003.

41. Attached as Exhibit 141 is a true and correct copy a document produced in this litigation as Bates Number WESTVIG0000012.

42. Attached as Exhibit 142 is a true and correct copy of Plaintiff Joel Westvig's Responses to County Defendants' First Set of Interrogatories.

43. Attached as Exhibit 143 is a true and correct copy of the transcript of the deposition of Plaintiff Daniel Huiting.

44. Attached as Exhibit 144 is a true and correct copy of Plaintiff Daniel Huiting's Responses to County Defendants' First Set of Interrogatories.

45. Attached as Exhibit 145 is a true and correct copy of a document produced in this litigation as Bates Number HUITING0000012.

46. Attached as Exhibit 146 is a true and correct copy of a webpage entitled, “Point-in-Time Count and Housing Inventory Count” on the website for the U.S. Department of Housing & Urban Development, available online at <https://www.hudexchange.info/programs/hdx/pit-hic/>, which I last accessed on August 24, 2023.

47. Attached as Exhibit 147 is a true and correct copy of a webpage entitled, “Overview of Hennepin County” on Hennepin County’s website, available online at <https://www.hennepin.us/your-government/overview/overview-of-hennepin-county#:~:text=Hennepin%20County%20is%20made%20up,hours%20and%20directions%2C%20and%20services>, which I last accessed on August 24, 2023.

48. Attached as Exhibit 148 is a true and correct copy of the transcript of the deposition of Commander David O’Connor.

49. Attached as Exhibit 149 is a true and correct copy of the transcript of the deposition of Major Jeffrey Storms.

50. Attached as Exhibit 150 is a true and correct copy of an August 21, 2023 *StarTribune* article entitled, “New encampment at Minneapolis Wall of Forgotten Natives a statement against sweeps,” by Susan Du, available online at <https://startribune.com/new-encampment-at-old-wall-of-forgotten-natives-a-statement-against-sweeps/600298703/>, and which I last accessed on August 24, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of August 2023.

s/ Kelly K. Pierce
Kelly K. Pierce
Assistant Hennepin County Attorney